

AMENDED IN ASSEMBLY MAY 6, 2013  
AMENDED IN ASSEMBLY MARCH 21, 2013  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1261**

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**Introduced by Assembly Member Gorell**

February 22, 2013

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An act to amend Section 17292.5 of the Education Code, relating to public school facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 1261, as amended, Gorell. Public school facilities: expelled pupils program.

Existing law requires a school district that operates a program for expelled pupils to use available school facilities that conform with specified requirements, apply for emergency portable classrooms, or enter into a lease agreement for facilities, as specified.

This bill would also authorize a school district, if facilities that conform to specified requirements are not available, to submit a request to the State Allocation Board to exempt a building or portion of a building to be used to operate a program for expelled pupils from the definition of "school building." The bill would authorize the State Allocation Board to grant an exemption for no longer than 2 years, if certain requirements are met. *The bill would provide that the exemption is renewable.* The bill would make other nonsubstantive changes.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 17292.5 of the Education Code is amended to read:

17292.5. If the governing board of a school district operates a program for expelled pupils, the governing board shall do one or more of the following:

(a) Utilize available school facilities that conform to the requirements of Part 2 (commencing with Section 2-101), Part 3 (commencing with Section 3-089-1), Part 4 (commencing with Section 4-403), and Part 5 (commencing with Section 5-102), of Title 24 of the California Code of Regulations.

(b) (1) If facilities that conform to the requirements specified in subdivision (a) are not available, submit a request to the State Allocation Board to exempt a building or portion of a building to be used to operate a program for expelled pupils from the definition of “school building” within the meaning of Section 17283. The State Allocation Board may grant an exemption for no longer than two years if the governing board demonstrates all of the following to the satisfaction of the State Allocation Board:

(A) The facilities are not located on a regular schoolsite.

(B) The facilities comply with all *current* applicable local building standards and all relevant local health and safety standards in the community in which it is located.

(C) The facilities shall be used to operate a program for expelled pupils.

(D) There shall be no more than 124 pupils enrolled in kindergarten or any of grades 1 to 12, inclusive, at any one time in the facilities, or the portion of the facilities, and the remainder of the facilities shall not be used for instructional purposes.

(E) The use of the facilities is critical to providing an effective community-based program.

(F) The use of other facilities that would meet seismic safety standards for school facilities is not practical.

(G) *A structural engineer has submitted a report certifying that the facilities possess no substantial structural hazards.*

(2) An exemption granted pursuant to this subdivision is renewable.

(c) Apply for emergency portable classrooms pursuant to Chapter 14 (commencing with Section 17085) of Part 10.

1 (d) Enter into a lease agreement for facilities, provided that the  
2 facilities are limited to a structure where a structural engineer has  
3 submitted a report that determines substantial structural hazards  
4 do not exist. Before entering into a lease, the governing board of  
5 the school district shall certify to the State Allocation Board that  
6 all reasonable efforts have been made to locate the program in  
7 facilities that conform to the structural safety standards listed in  
8 subdivision (a).

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